

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

IN RE: **Domingo B. Cabrera**

Case No.: 17-15973

Judge: ABA

Debtor(s) Chapter: 13

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☐ Motions Included

☒ Modified/Notice Required

☐ Modified/No Notice Required

☒ Discharge Sought

☐ No Discharge Sought

Date: 7-10-2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay **\$982.38** Monthly to the Chapter 13 Trustee, starting on **July 1, 2017** for approximately **57** remaining months. **(\$2,947.14 paid to date)**

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒ Future Earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property
Description:
Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property
Description:
Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$ ____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
McDowell Posternock Apell & Detrick PC	Attorney Fees	\$2,500.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
-NONE-					

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated

as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor
-NONE-

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

Part 5: Unsecured Claims

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

_____ Not less than \$_____ to be distributed *pro rata*

_____ Not less than _____ percent

 X *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
A.D. Peterson Enterprises Inc.	Residential Lease	Assume
NJ Dealers Auto Mall, Inc.	Business Lease	Assume
Toyota Financial Services	Auto Lease	Reject

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims

- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-petition claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: **7-10-2017**.

Explain below why the Plan is being modified.	Explain below how the Plan is being modified
Assume residential and business lease	Assume residential and business lease
Are Schedules I and J being filed simultaneously with this modified Plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date July 10, 2017 /s/ Thomas G. Egner, Esq.
Thomas G. Egner, Esq.
 Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: July 10, 2017 /s/ Domingo B. Cabrera
Domingo B. Cabrera
 Debtor

Date: _____

 Joint Debtor

Certificate of Notice Page 6 of 7
 United States Bankruptcy Court
 District of New Jersey

In re:
 Domingo B. Cabrera
 Debtor

Case No. 17-15973-ABA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 31

Date Rcvd: Jul 19, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 21, 2017.

db
 516726038 +Domingo B. Cabrera, 308 Atlantic Ave, Bridgeton, NJ 08302-2523
 516726039 +A.D Peterson Enterprises, Inc., Po Box 238, Bridgeton, NJ 08302-0180
 516726041 +Apex Asset, 2501 Oregon Pike Ste, Lancaster, PA 17601-4890
 516726041 +BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, PO Box 982235, El Paso, TX 79998)
 516726040 #+Bank Of America, Nc4-105-03-14, Po Box 26012, Greensboro, NC 27420-6012
 516878574 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 516726042 +Capital One, Attn: General Correspondence/Bankruptcy, Po Box 30285,
 Salt Lake City, UT 84130-0285
 516726043 +Citibank/The Home Depot, Citicorp Cr Srvs/Centralized Bankruptcy, Po Box 790040,
 S Louis, MO 63179-0040
 516726044 +Citicards Cbna, Citicorp Credit Svc/Centralized Bankrupt, Po Box 790040,
 Saint Louis, MO 63179-0040
 516726046 +Equifax Information Services, PO Box 740241, Atlanta, GA 30374-0241
 516726047 +Experian, PO Box 4500, Allen, TX 75013-1311
 516936605 +FC Marketplace, LLC, Attn: John Potter, 747 Front Street, 4th Floor,
 San Francisco, CA 94111-1922
 516726048 +Fc Marketplace, LLC, SME Fund FBO Account, PO Box 398438, San Francisco, CA 94139-0001
 516726050 +Headway Capital, LLC, 175 W. Jackson Blvd., Suite 1000, Chicago, IL 60604-2863
 516903987 +MIDLAND FUNDING LLC, PO BOX 2011, WARREN, MI 48090-2011
 516726053 +PayPal Credit, Attn: Bankruptcy Dept., PO Box 5138, Timonium, MD 21094-5138
 516726054 +State of New Jersey Division of Taxation, Bankruptcy Section, PO Box 245,
 Trenton, NJ 08695-0245
 516769981 +Toyota Lease Trust, c/o Toyota Motor Credit Corporation, PO Box 9013,
 Addison, Texas 75001-9013
 516726058 TransUnion, PO Box 2000, Chester, PA 19022-2000

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Jul 19 2017 22:54:52 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jul 19 2017 22:54:49 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516890178 +E-mail/Text: bncmail@w-legal.com Jul 19 2017 22:55:01 Comenity Capital Bank/Paypal Credit,
 c/o Weinstein & Riley, PS, 2001 Western Ave., Ste 400, Seattle, WA 98121-3132
 516740529 E-mail/Text: mrdiscen@discover.com Jul 19 2017 22:53:57 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 516726045 +E-mail/Text: mrdiscen@discover.com Jul 19 2017 22:53:57 Discover Financial, Po Box 3025,
 New Albany, OH 43054-3025
 516726051 +E-mail/Text: cio.bncmail@irs.gov Jul 19 2017 22:54:15 Internal Revenue Service,
 Centralized Insolvency Operation, PO Box 7346, Philadelphia, PA 19101-7346
 516905031 E-mail/PDF: resurgentbknofications@resurgent.com Jul 19 2017 22:57:57
 LVNV Funding, LLC its successors and assigns as, assignee of Citibank, N.A.,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 516726052 +E-mail/Text: bankruptcy@ondeck.com Jul 19 2017 22:55:41 On Deck Capital, 1400 Broadway,
 New York, NY 10018-5300
 516726055 +E-mail/PDF: gecsed@recoverycorp.com Jul 19 2017 22:58:10 Synch/Toys R Us, Po Box 965064,
 Orlando, FL 32896-5064
 516729388 +E-mail/PDF: gecsed@recoverycorp.com Jul 19 2017 22:57:48 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 516726056 +E-mail/PDF: gecsed@recoverycorp.com Jul 19 2017 22:58:33 Synchrony Bank/Walmart,
 Attn: Bankruptcy, Po Box 956060, Orlando, FL 32896-0001
 516726057 +E-mail/Text: bankruptcy@td.com Jul 19 2017 22:54:57 TD Bank, PO Box 219,
 Lewiston, ME 04243-0219

TOTAL: 12

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516726049 Gsi Recovery Llc

TOTALS: 1, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
 While the notice was still deliverable, the notice recipient was advised to update its address with the court
 immediately.

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 31

Date Rcvd: Jul 19, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 21, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 10, 2017 at the address(es) listed below:

Brian C. Nicholas on behalf of Creditor Toyota Motor Credit Corporation
bnicholas@kmlawgroup.com, bkgroup@kmlawgroup.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Thomas G. Egner on behalf of Debtor Domingo B. Cabrera tegner@mpadlaw.com,
kgresh@mpadlaw.com/djamison@mpadlaw.com/lwood@mpadlaw.com/cgetz@mpadlaw.com
U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 4